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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,645	09/26/2003	Kirk A. Buhler	KB01-02U	8215
37038	7590	02/24/2006		
BUHLER ASSOCIATES BUHLER, KIRK A. 1101 CALIFORNIA AVE. SUITE 208 CORONA, CA 92881			EXAMINER JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,645	Applicant(s) BUHLER ET AL	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-3, 9-10 are objected to because of the following informalities:

In claim 2, line 1, the word "an" should be changed to –the– to improve the clarity of the claim language. Similar correction should be made to claim 3, line 1, claims 9-10, line

1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7-8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Marshall (US 3,722,958).

Marshall discloses a wheel cover for a vehicle comprising an inner member (19) with attachment mechanism for connecting to the annular portion of a vehicle rim, a homogeneous outer member (10) that is not eccentrically weighted, and located on the outer side of the inner member away from the vehicle rim wherein the entire outer surface of the homogeneous outer member that is not secured to the vehicle rim is visible, the homogeneous outer member connects to a bearing mechanism (15) that connects the inner member to the outer member to allow the members to turn independently from each other as disclosed in the abstract , see col 1, lines 66-67.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-8, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (us 6,702,396 B1) and Fowlkes (US 6,554,370 B2).

Wang discloses a wheel cover for a vehicle comprising an inner member (42) with attachment mechanism (44) for connecting to a vehicle rim, at least one outer member (18) that is not eccentrically weighted, a bearing mechanism (481) that connects the inner member to the outer member to allow the members to turn independently from each other as disclosed in the abstract. The outer member is located on the axis of the inner member as shown in fig. 2-3.

Wang discloses all of the features as disclosed above but does not disclose a homogeneous outer member spinner cover. The general concept of providing a homogeneous outer member spinner cover to a wheel is well known in the art as illustrated by Fowlkes which discloses the teaching of a homogeneous outer member spinner (30) cover to a wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include the use of a homogeneous outer member spinner cover as taught by Fowlkes in order to reduce drag force on the spinner thereby improving on the performance of the device.

6. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (us 6,702,396 B1) and Fowlkes (US 6,554,370 B2), as applied to claims 1 and 8 and in view of Wallach (US 6,820,475).

Claims 2 and 9

Wang and Fowlkes teaches all the limitations claims 2 and 9 except for a wheel cover comprising an attachment mechanism consisting of clips or springs. The general concept of providing an attachment mechanism consisting of spring and clips to a wheel cover is well known in the art as illustrated by Wallach which discloses the teaching of clips or springs (24) to locate a wheel cover, see fig. 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang and Fowlkes to include the use of an attachment mechanism comprising springs or clips in his advantageous wheel cover as taught by Wallach in order to facilitate installation of the wheel cover thereby removing the risk of personal injury.

7. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6,702,396 B1) and Fowlkes (US 6,554,370 B2) and in view of Miyanaga (US 3,367,722).

Wang and Fowlkes teaches all the limitations claims 3 and 10 except for a wheel cover comprising an attachment mechanism consisting of one or more magnets. The general concept of providing an attachment mechanism consisting of one or more magnets to a wheel cover is well known in the art as illustrated by Miyanaga which discloses the teaching of one or more magnet (84') to locate a wheel cover (52), see fig. 3, col 2, lines 40-48. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Wang and Fowlkes to include the use of an attachment mechanism comprising one or more magnets in his advantageous wheel cover as taught by Miyanaaga in order to simplify installation of the wheel cover thereby removing the risk of personal injury.

Response to Arguments

8. Applicant's arguments filed 12/21/2005 have been fully considered but they are moot in view of the new grounds of rejection.

Applicant's amendment to the claims to incorporate the limitations of a homogeneous outer member which connects to the bearing mechanism is defined over the prior arts of record Wang, Good and obviates the previous anticipation rejection of the claims. However, it is well known in the art to have a homogeneous outer member spinner cover in a wheel assembly as illustrated by Fowlkes which establishes a prima facie case of obviousness to one of ordinary skill in the art.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fitzgerald'459 is cited to show a related spinner cover member of a homogeneous material.

Defreitas is cited to show a related wheel cover comprising clips attachment.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (571) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (571) 273-6683. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

February 18, 2006

**FRANTZ F. JULES
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz', with a stylized flourish at the end.